

Application No. 10/788,555
Amendment dated October 1, 2007
Reply to Final Office Action of August 24, 2007

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Final Office Action mailed on August 24, 2007, and the references cited therewith.

Claims 1, 16, and 21 are amended, claims 23 and 28 are canceled, and claims 7, 13, 15, 22, and 24 were previously canceled; as a result, claims 1-6, 8-12, 14, 16-21, and 25-27 are now pending in this application.

§ 102 Rejection of the Claims

Claims 1-2, 4-6, 14, 16-17 and 19-21 were rejected under 35 USC § 102(e) as being anticipated by Chishti et al. (U.S. Publ. No. 2005/0244782).

Applicant does not admit that Chishti is indeed prior art and reserves the right to swear behind the same at a later date. Nonetheless Applicant believes that the present application can be distinguished from Chishti for at least the following reasons.

In the interest of expediting prosecution of the current application, the Applicant has amended independent claims 1, 16, and 21 to include subject matter deemed allowable by the Examiner in the Final Office Action mailed August 24, 2007. Specifically, Applicant has incorporated subject matter deemed allowable by the Examiner with respect to now cancelled claims 23 and 28 into independent claims 1, 16, and 21. Therefore, Applicant respectfully submits Chishti does not contain all elements and limitations in independent claims 1, 16, and 21, as amended.

For example, Chishti does not appear to teach a method for moving teeth that includes:

moving at least one second tooth while isolating the first tooth at a rest position, isolating the first tooth by relieving the first tooth of any applied force, wherein relieving the force applied to the first tooth is accomplished by creating space around the tooth, such that no undesirable contact is made

as provided in Applicant's independent claim 1, as amended.

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Chishti also does not appear to teach a system including:

means for isolating the first tooth at a rest position by relieving the force applied to it, while moving at least one second tooth, wherein relieving the force applied to the first tooth is accomplished by creating space around the tooth such that no undesirable contact is made

as provided in Applicant's independent claim 16, as amended.

In addition, Chishti also does not appear to teach a system including:

means for modeling an isolating of the first tooth at a rest position while moving the second tooth, the isolating of the first tooth by relieving the tooth of any applied force, wherein relieving the force applied to the first tooth is accomplished by creating space around the tooth such that no undesirable contact is made

as provided in Applicant's independent claim 21, as amended.

Based on the forgoing, Applicant respectfully submits that Chishti does not support a proper § 102(e) rejection of claims 1, 16, and 21, as amended. As such, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejection for independent claims 1, 16, and 21, as well as those claims which depend therefrom.

§ 103 Rejection of the Claims

Claims 3, 8-12, and 18 were rejected under 35 USC § 103(a) as being unpatentable over Chishti et al. (U.S. Publ. No. 2005/0244782).

Claims 3, 8-12, and 18 depend from independent claims 1 and 16, respectively, which are in condition for allowance for at least the reasons stated above. As discussed above for independent claims 1 and 16, Chishti does not teach or suggest a method for moving teeth that includes:

moving at least one second tooth while isolating the first tooth at a rest position, isolating the first tooth by relieving the first tooth of any applied force, wherein relieving the force applied to the first tooth is

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accomplished by creating space around the tooth, such that no undesirable contact is made

as provided in Applicant's independent claim 1, as amended.

Chishti also does not teach or suggest a system including:

means for isolating the first tooth at a rest position by relieving the force applied to it, while moving at least one second tooth, wherein relieving the force applied to the first tooth is accomplished by creating space around the tooth such that no undesirable contact is made

as provided in Applicant's independent claim 16, as amended.

As such, each and every element of independent claims 1 and 16 are not taught or suggested by Chishti. As claims 3, 8-12, and 18 depend from independent claims 1 and 16, respectively, the §103 rejection of claims 3, 8-12, and 18 should be withdrawn. Reconsideration and withdrawal of the § 103 rejection for claims 3, 8-12, and 18 are respectfully requested.

Allowable Subject Matter

Claims 23 and 25-28 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for indicating Allowable Subject Matter.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0121 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number (571) 273-8300 on this 2 day of October, 2007.

Jennifer L. Vambol
Name

[Signature]
Signature

Respectfully Submitted,
Peter G. Knopp

By Applicant's Representatives,
Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By: [Signature]
Jeffery L. Cameron
Reg. No. 43,527

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